

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Edward A. Johnson

Serial No.: 09/762,077 Art Unit: Not yet known

Filed: 01/30/01 Examiner: Not yet known

Title: INFRARED RADIATION SOURCES, SENSORS AND
SOURCE COMBINATIONS, AND METHODS OF
MANUFACTURE

Docket: 56326-032 (IOPL-007)

CERTIFICATE OF EXPRESS MAILING (37 C.F.R. 1.10)

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Date of Deposit: January 7, 2002

I certify that this correspondence is being deposited on the date indicated above with the United States Postal Service as "Express Mail, Post Office to Addressee" Service under 37 C.F.R. 1.10, addressed to Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: Jan. 7, 2002

By: 

Attn: PCT Legal Office

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

**DECLARATION OF ATTORNEY MARK G. LAPPIN FILED
IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)**

I, Mark G. Lappin, to the best of my knowledge and belief, do hereby state as follows:

1. I am Patent Counsel to the available joint inventors of the above-referenced application, Edward A. Johnson, John S. Wollam, and James T. Daly.

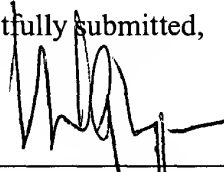
2. On January 5, 2002, I met with the non-signing joint inventor W. Andrew Bodkin at his home at 37 Forest Street, Needham, Massachusetts 02492.

3. During said meeting I hand-delivered copies of the specification, claims, drawings, and inventors' declaration for the above-identified patent application to Mr. Bodkin, and asked Mr. Bodkin to sign the declaration.

4. During said meeting, Mr. Bodkin expressly told me that he is unwilling to, and refused to, sign the inventors' declaration at the present time even though he had been presented with the inventors' declaration for the above identified patent application and the copy of the above-identified patent application.

5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any application or patent issued thereon.

Respectfully submitted,



Date: January 7, 2002

Mark G. Lappin, P.C.
Registration Number 26,618

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**DECLARATION, PETITION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to our name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**INFRARED RADIATION SOURCES, SENSORS AND SOURCE COMBINATIONS, AND
METHODS OF MANUFACTURE**

the specification of which (check one):

☒ is attached hereto
☒ was filed on January 30, 2001 as Application Serial No. 09/762,207
☐ and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

CLAIM FOR BENEFIT OF PRIOR FOREIGN APPLICATION(S)

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Country	Application Number	Date of Filing (month, day, year)	Priority
Claimed Under 35 USC 119			

CLAIM FOR BENEFIT OF EARLIER PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/094,602	July 30, 1998
60/096,133	August 10, 1998

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365 (c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)
PCT/US99/17338	30 July 1999	pending

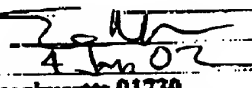
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Mark G. Lappin	Reg. No. 26,618	Elizabeth E. Kim	Reg. No. 43,334
Toby H. Kusner	Reg. No. 26,418	Jeffrey J. Miller	Reg. No. 39,773
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Solo or first inventor's signature	
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Second inventor's signature	<i>January 4, 2002</i>
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Full Name of third inventor John S. William	<i>John S. William</i>
Third inventor's signature	<i>January 4, 2002</i>
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Full Name of fourth inventor W. Andrew Bodkin	
Fourth inventor's signature	
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